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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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JC979 U S PTO  
11/16/01

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 16517 258

First Inventor CHEIKH, Nordine, et al.

Title Nucleic Acid Molecules and Other Molecules Associated with the Carbon Assimilation Pathway

Express Mail Label No. \_\_\_\_\_

JC979 U S PTO  
09/967899  
11/16/01**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 428]

(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C.113) [Total Sheets ]

5. Oath or Declaration [Total Pages ]

- Newly executed (original or copy)
- Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
- DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- Computer Readable Form (CRF)
- Specification Sequence Listing on:
  - CD-ROM or CD-R (2 copies); or
  - paper
- Statements verifying identity of above copies

**ACCOMPANYING APPLICATIONS PARTS**

9.  Assignment Papers (cover sheet & document(s))

10.  37 C.F.R. §3.73(b) Statement  Power of Attorney (when there is an assignee)

11.  English Translation Document (if applicable)

12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)

15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

16.  Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17.  Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP)

of prior application No: US 09 / 262,979

Prior application information: Examiner A. Marschel

Group / Art Unit: 1631

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label  
(Insert Customer No. or Attach bar code label here) or  Correspondence address below

Name	Monsanto Company				
	Patent Department				
Address	Mail Zone E2NA				
	800 N. Lindbergh Boulevard				
City	St. Louis	State	MO	Zip Code	63167
Country	US	Telephone	(314) 694-2547		Fax (314) 694-9009

Name (Print/Type)	David R. Marsh/June E. Cohan	Registration No. (Attorney/Agent)	41,408/43,741
Signature			Date November 16, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

11/16/01  
JC979 U.S. PTO

# ARNOLD & PORTER

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A  
CD ROM  
JC979 U.S. PTO  
09/987899  
11/16/01

November 16, 2001

Commissioner for Patents  
Washington, D.C. 20231

## BOX PATENT APPLICATION

Re: Continuation Application of Appl. No.: 09/262,979

Filed: Herewith

Title: *Nucleic Acid Molecules and Other Molecules Associated  
with the Carbon Assimilation Pathway*

Inventors: CHEIKH, Nordine, et al.

Atty. Docket: 16517.258

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. this Transmittal Letter to the Commissioner of Patents (in duplicate);
2. a Utility Patent Application Transmittal (PTO/SB/05);
3. U.S. Non-Provisional Application entitled:

**Nucleic Acid Molecules and Other Molecules Associated with the Carbon Assimilation Pathway**

naming as inventors:

**Nordine Cheikh, Philip W. Miller, Keith M. O'Connell, and Jingdong Liu**

the application consisting of:

- a. A Specification containing:
  - (i) 420 pages of a description prior to the claims;
  - (ii) 7 pages of claims (9 claims); and
  - (iii) 1 (one) page of abstract;

# ARNOLD & PORTER

Continuation Application for CHEIKH, Nordine, et al.

Attorney Docket No.: 16517.258

Serial No.: To Be Assigned

Page 2

4. Sequence Listing in Computer Readable Form (i.e., CRF);
5. Sequence Listing on CD-ROM identified as "Sequence Listing Copy 1" and "Sequence Listing Copy 2;"
6. Preliminary Amendment;
7. Statement Regarding Sequence Submission;
8. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i);
9. copy of executed Combined Declaration and Power of Attorney of Nordine Cheikh filed in parent application number 09/262,979;
10. copy of executed Combined Declaration and Power of Attorney of Jingdong Liu filed in parent application number 09/262,979;
11. copy of executed Combined Declaration and Power of Attorney of Philip W. Miller filed in parent application number 09/262,979;
12. copy of executed Combined Declaration and Power of Attorney of Keith M. O'Connell filed in parent application number 09/262,979;
13. Information Disclosure Statement;
14. PTO Form 1449 (11 pages) with 121 accompanying documents;
15. check number 200752 in the amount of \$740.00 to cover the basic filing fee; and
16. two (2) return Postcards.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

This application claims priority under 35 U.S.C. §120 of application number 09/262,979 filed March 4, 1999 and under 35 U.S.C. §119(e) of application number 60/076,712 filed March 6, 1998.

Three CD-ROMs accompany this transmittal letter: two copies of a sequence listing ("Sequence Listing Copy 1" and "Sequence Listing Copy 2"), and the sequence

# ARNOLD & PORTER

Continuation Application for CHEIKH, Nordine, *et al.*

Attorney Docket No.: 16517.258

Serial No.: To Be Assigned

Page 3

listing CRF. Sequence Listing Copy 1 and Sequence Listing Copy 2 are identical to each other and to the sequence listing CRF. Each of the three sequence listing CD-ROMs contain one file called "Sequence Listing for 16517.258.txt" which is 3,935,275 bytes in size (measured in MS-DOS) and was created on November 15, 2001. All CD-ROMs are in IBM-PC machine format, and are MS-DOS and MS-Windows compatible.

This continuation is being filed simultaneously with a Petition for Extension of Time for one (1) month in parent application 09/262,979, to which this application claims priority. If, for any reason, the extension of time filed in parent application 09/262,979 is not sufficient to maintain its pendency for purposes of this continuation filing, Applicants hereby petition for further extensions of time in the parent application in order to maintain its co-pendency with this continuation application.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Arnold and Porter Deposit Account No. 50-1824 referencing matter number 16517.258. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation Application of:

CHEIKH, Nordine, *et al.*

Art Unit: To Be Assigned

Appln. No.: To Be Assigned

Examiner: To Be Assigned

Filed: Herewith

Atty. Docket: 16517.258

For: *Nucleic Acid Molecules and Other  
Molecules Associated with the Carbon  
Assimilation Pathway*

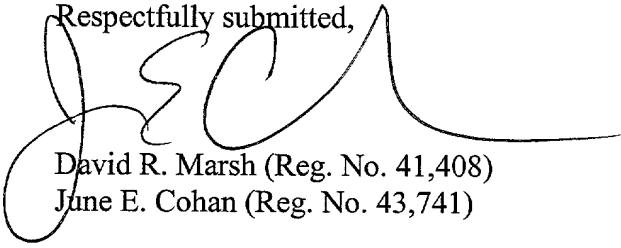
**Statement Regarding Sequence Submission**

Commissioner for Patents  
Washington, DC 20231

Sir:

In accordance with 37 C.F.R. §1.821(f), the two copies of the Sequence Listing on CD-R (“Sequence Listing Copy 1” and “Sequence Listing Copy 2”) and the computer-readable form (CRF) of the Sequence Listing submitted herewith in the above-mentioned application are the same.

Respectfully submitted,

  
David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Date: November 16, 2001

ARNOLD & PORTER  
555 Twelfth Street, N.W.  
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(202) 942-5000 telephone  
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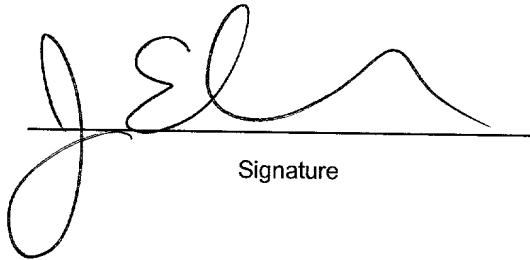
**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	CHEIKH, Nordine, et al.
Title	Nucleic Acid Molecules and Other Molecules Associated with the Carbon Assimilation Pathway
Atty Docket Number	16517.258

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

November 16, 2001

Date



Signature

David R. Marsh, Reg. No. 41,408  
June E. Cohan, Reg. No. 43,741

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.